

REMARKS

This Amendment to the Final Office Action is responsive to the Final Office Action dated October 20, 2006. Claims 1-11, 13-21, 24, 25, 28, 40-50, and 52-56 are rejected. Claims 27 and 51 are objected to. Claims 12, 22, 23, 26, 29, and 30 were previously cancelled without prejudice. Claims 1 and 41 have been cancelled herein without prejudice herein to pursue in a related application. Claims 2-11, 13-21, 24, 25, 27-28, 40, 42-51, and 52-56 are now pending.

A petition for a one-month extension of time and payment or authorization for payment accompanies this amendment to extend the due date for response to **February 20, 2007**.

Applicant thanks the Examiner for the careful review of this application.

Applicant notes that this application was filed on 27 July 2001 and has been pending for more than 5 1/2 years. Given the limited opportunity to present amended claims that may raise new issues as well as the limited opportunity to present additional arguments relative to the cited prior art, Applicant has therefore decided to move forward toward grant with the indicated allowable subject matter. Applicant does not concede to the basis for rejection of the claims in the pending office action. Therefore, without admitting the propriety of the rejection or the arguments set forth in the present office action, Applicant has cancelled independent claims 1 and 40 without prejudice to present them in a new or related application, and has amended the other claims to either depend from an allowable claim or to include elements that appear to have resulted in the allowability of Claims 27 and 51 which were objected to but indicated as having allowable subject matter.

Claim Amendments

Applicant acknowledges that Claims 27 and 51 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has amended claims 27 and 51 to place them into independent form and to include all of the limitations of the base claim and any intervening claims, and trusts that these claims will be passed to allowance.

Furthermore, Applicant has amended claims 2-11, 40, 42-50, and 52-53, and 56 to depend either directly or via an intervening claim from one of allowable claims 27 and 51, and trusts that the rejection of these claims will be withdrawn. Claim 28 which was dependent from claim 27 without amendment is also allowable.

Similarly, Applicant has amended claims to depend either directly or via an intervening claim from allowable claim 27, and trusts that the rejection of these claims will be withdrawn.

Claim 13 is similar though not identical to Claim 1 in that it recites "a value indicating a *maximum buffer size* of a receiving client" rather than "a value indicating a *pre read size capability* of a receiving client", and has been amended to include the limitations which resulted in the allowability of claim 27, in particular the following limitation has been added:

wherein the feeder module is further operative to control the admission of streaming media assets into the feeder that are to be delivered to a client, the control of admission and comprising:

defining a time window in terms of a first duration of time;

computing a number of bytes that need to be delivered during the time window, the bytes comprising a first streaming media asset;

translating the computed number of bytes into a first time to process value for the first streaming media asset; and

admitting for delivery the first streaming media asset if the first time to process value is smaller than the time window.

Applicant trusts that with this amendment to claim 13 and claims dependent from it will be passed to allowance, including claims 14-21, 24-25.

Applicant has further amended claim 54 directed to a computer program product stored in a computer readable medium in analogy with for example allowable method claim 51. Applicant submits that with the addition of the following limitations, claim 54 and claim 55 dependent from claim 54 are allowable, and Applicant trusts that the rejection will be withdrawn.

controlling the admission of streaming media assets into the time stamp packet queue that are to be delivered to a client;

the control of admission further comprising:

defining a time window in terms of a first duration of time;

computing a number of bytes that need to be delivered during the time window, the bytes comprising a first streaming media asset;

translating the computed number of bytes into a first time to process value for the first streaming media asset;

adding the first time to process value to a cumulative time to process value; and

admitting for delivery the first streaming media asset if the cumulative time to process value is smaller than the time window.

Applicant submits that with these amendments, all of the currently pending claims are in condition for allowance and Applicant request such allowance.

CONCLUSION

Applicant believes that all pending claims are allowable and a Notice of Allowance is respectfully requested. The amendment was made to expedite the prosecution of this application. Applicant respectfully traverses the rejections of the amended claims and reserves the right to re-introduce them and claims of an equivalent scope in a continuation application.

If the Examiner finds any reason that this application cannot be passed to allowance, he/she is requested to telephone the undersigned attorney at the telephone number set out below.

The Commissioner is authorized to charge any fees that may be due as a result of filing this amendment; including additional claims fees and claims fees for dependent claims amended to be in independent form not already paid for, fees for a Petition for Extension of Time which is requested herein, or other fees that have not been separately paid, to Deposit Account 50-2207 (Atty. Docket No. 62357-8005.US01).

Date: 2/20/2007

Customer No. 22918
Perkins Coie LLP
P.O. Box 2168
Menlo Park, CA 94026
Telephone: (650) 838-4367

Respectfully submitted,
PERKINS COIE LLP


R. Michael Ananian
Reg. No. 35,050